

I. Restriction Requirement

In the Office Action, the Examiner requires restriction between the following groups of claims:

Group I - Claims 36-55, drawn to an aqueous cosmetic composition comprising a polymer with a least two amine units, devoid of vinyl amine or vinyl amide, modified with a hydrocarbon segment that is hydrophilic or hydrophobic, wherein the segment is different from sugar and devoid of sulfur, silicone, amidino, and the modification with the hydrocarbon segment is not carried out by means of a bifunctional spacer group;

Group II - Claims 56-58 and 65-74, drawn to a method of using a cosmetic composition comprising a cosmetically acceptable medium, a polymer with at least two amine units, devoid of vinyl amine or vinyl amide, modified with a hydrocarbon segment that is hydrophilic or hydrophobic, wherein the segment is devoid of sulfur, silicone, amidino groups for softening hair; and

Group III - Claims 59-64, drawn to a method of using a cosmetic composition comprising a cosmetically acceptable medium, a polymer with at least two amine units, devoid of vinyl amine or vinyl amide, modified with a hydrocarbon segment that is hydrophilic or hydrophobic, wherein the segment is devoid of sulfur, silicone, amidino groups for improved deposition homogeneity on keratinic materials.

See Office Action at 2.

Applicants respectfully traverse the restriction requirement. However, to be fully responsive, Applicants elect, with traverse, the subject matter of Group I, comprising Claims 36-55, drawn to an aqueous cosmetic composition.

This application is a national stage application of a PCT application and thus unity of invention practice under PCT Rule 13 applies to the application. The Examiner contends that “[t]he inventions listed as Groups I-III do not relate to a single general inventive concept ... because ... they lack the same or corresponding special technical features” The Examiner states that in the instant case, the composition of Group I has a segment different from sugar, while those used in the process (Group II) may have segments the same as sugar. Also, the methods of using the composition (Group II vs. III, i.e. softening hair and improving deposition) are different.”

See Office Action at 3.

Applicants respectfully traverse the restriction on the basis that all of the present claims share the common technical relationship of a composition comprising, in a cosmetically acceptable medium, at least one polymer compound whose chain comprises at least two amine units, said polymer compound being modified with at least one hydrocarbon segment chosen from hydrophilic and hydrophobic hydrocarbon segments. See M.P.E.P. § 1893.03. Accordingly, Groups I-III should be examined together. Applicants reserve any further response until the issuance of an official action directed towards the elected subject matter.

Applicants submit that the Examiner’s restriction requirement is improper and should be withdrawn.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request reconsideration and examination of the claims. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 12, 2010